THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.10207 OF 2007

DATED 04th JULY, 2007

BETWEEN

Kamadi Matha Raju and another.

… Petitioners

AND

State of Andhra Pradesh, rep.by its Chief Secretary, Revenue Department, Secretariat, Hyderabad and others.

… Respondents

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ORDER:

One Kamadi Matha Raju and Gadimoga Marine Fishermen Cooperative Society filed the present writ petition seeking a writ of Mandamus declaring the inaction of the respondents 1 to 3 in not granting pattas to the villagers of Gadimoga Village in Tallarevu Mandal of East Godavari District for developing fish and prawn culture in respect of unsurveyed land admeasuring Acs.400.00 as illegal and arbitrary. The petitioners also seek a consequential direction to respondents 1 to 3 to issue pattas to villagers.

The first petitioner is statedly upa-sarpanch of Gadimoga Village and the second petitioner is a cooperative society registered under A.P.Cooperative Societies Act, 1964. Gadimoga Village is situated at a distance of five kilo meters from Bay of Bengal towards East. There are several creeks and backwater canals passing through the nearby villages leading to Bay of Bengal including three canals in the village known as Gaderu canal, Mandara canal and Vodanalu canal. In addition to these three canals, there is a creek of eight meters width running through the unsurveyed land. Some of the villagers have dug tanks in an extent of Acs.100.00 and are cultivating fish and prawn as it is very congenial for prawn/pissi culture due to continuous tidal waves from Bay of Bengal entering the Acs.400.00 of unsurveyed land. It is their case that fourth respondent herein purchased Acs.363.00 situated on the three sides of the Gadimoga village for establishing gas based on shore terminal. Still the fourth respondent is trying to get another extent of Acs.400.00 of unsurveyed land in Gadimoga village situated towards East of the village adjoining road from Bahiravapalem to Tallarevu passing through the village.

When the fourth respondent started construction of gas plant, second petitioner filed W.P.No.19721 of 2006 before this Court complaining

pollution. The same is pending. In view of the pendency, the fourth respondent stopped providing work to the villagers, and therefore, they are dependent on fishing in canals and creeks, besides attending to prawn culture. The petitioners allegedly made number of representations to official respondents requesting for issue of pattas to villagers to an extent of Acs.1.00 each. But, no action was taken and the Government is now taking steps to allot Acs.400.00 of unsurveyed land with creeks, canals and prawn culture tanks to fourth respondent. Therefore, they filed instant writ petition.

The villagers, who are in need of allotment/assignment of land for the purpose of prawn culture, are not before this Court. The upa-sarpanch and a cooperative Society filed the instant writ petition. The only grievance is that if the unsurveyed land admeasuring Acs.400.00 is allotted to fourth respondent for construction of gas based on shore terminal, there would not be any other land, which would result in deprivation of livelihood to the villagers. This is a matter for enquiry and not for rhetoric. Learned counsel for petitioners admits this. As on today, the Government is yet to allot land to fourth respondent though admittedly they already purchased about Acs.363.00 of land surrounding the village. If that be the case, the petitioners may have to pursue the matter with the official respondents and this Court cannot give any Mandamus to the official respondents to allot Acs.400.00 of land to the villagers, in preference to fourth respondent. However, this Court observes that the official respondents especially the third respondent may explore the possibilities of allotting some other suitable land for those needy, landless and poor villagers of Gadimoga Village. As this involves conducting of socio-economic survey and other procedures, no time limit can be prescribed for doing so.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO,J)

04.07.2007.
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